

1 Add 2 Cal. Code Regs. section 18746.3 to read:

2 **§ 18746.3. Revolving Door; Local Officials.**

3 (a) The prohibitions of Government Code section 87406.3 apply to a public
4 official who, on or after July 1, 2006, holds a position as a:

5 (1) Local elected official;

6 (2) Chief administrative officer of a county;

7 (3) City manager, including the chief administrator of a city; or

8 (4) General manager or chief administrator of a special district who holds a
9 position with a local government agency as defined by Government Code section 82041.

10 (b) A public official covered by subdivision (a) of this regulation is prohibited
11 from making any appearance or communication if all of the following apply:

12 (1) The official has left his or her local government office or employment, which
13 means he or she has either permanently left local government service or is on a leave of
14 absence.

15 (2) The appearance or communication is made within 12 months after leaving
16 local government office or employment.

17 (3) The public official is compensated, or promised compensation, for the
18 appearance or communication. However, a payment made for necessary travel, meals,
19 and accommodations received directly in connection with voluntary services is not
20 prohibited or limited by this section.

21 (4) The appearance or communication is made on behalf of any person as an
22 agent, attorney, or representative of that person. An appearance or communication made
23 by a public official to represent his or her personal interests, as defined in 2 Cal. Code

1 Regs. section 18702.4, subdivision (b)(1), is not prohibited or limited by this section
2 unless the appearance or communication is made in a quasi-judicial proceeding, as
3 defined in subsection (b)(5)(D) of this regulation, in which the official participated while
4 serving as a local government employee or officer.

5 (5) The appearance or communication is made for the purpose of influencing, as
6 defined in 2 Cal. Code Regs. section 18746.2, any legislative or administrative action, or
7 any discretionary act involving the issuance, amending, awarding, or revocation of a
8 permit, license, grant, or contract, or the sale or purchase of goods or property.

9 Notwithstanding Government Code sections 82002 and 82037, for purposes of
10 Government Code section 87406.3, the following definitions apply:

11 (A) “Administrative action,” as defined in Government Code section
12 87406.3(d)(1), means the proposal, drafting, development, consideration, amendment,
13 enactment, or defeat by any local government agency of any matter, including any rule,
14 regulation, or other action in any regulatory proceeding including a ratemaking
15 proceeding, whether quasi-legislative or quasi-judicial. Administrative action does not
16 include any action that is solely ministerial.

17 (B) “Quasi-legislative” means any proceeding involving the adoption of rules of
18 general applicability, including but not limited to annexations of territory to a city or
19 district, adoption or amendment of zoning ordinances, adoption of regulations, or
20 granting of franchises.

21 (C) “Quasi-judicial” means any proceeding that determines the rights of specific
22 parties, or applies existing laws to specific situations, including but not limited to any

1 proceedings to issue or revoke licenses, building permits, zoning variances, conditional
2 use permits, parcel and subdivision maps, or coastal development permits.

3 (D) "Legislative action," as defined in Government Code section 87406.3(d)(2),
4 means the drafting, introduction, modification, enactment, defeat, approval, or veto of
5 any ordinance, amendment, resolution, report, nomination, or other matter by the
6 legislative body of a local government agency or by any committee or subcommittee
7 thereof, or by a member or employee of the legislative body of the local government
8 agency acting in his or her official capacity.

9 (6) The appearance or communication is made before any officer or employee of
10 any of the following:

11 (A) Any local government agency, including any officer or employee of any
12 committee, subcommittee, or present member of that local government agency, that the
13 public official worked for or represented during the 12 months before leaving his or her
14 office or employment. An employee loaned to a local government agency is deemed to
15 have worked for or represented that agency.

16 (B) Any local government agency which budget, personnel, and other operations
17 are subject to the direction and control of any agency described in subdivision (b)(6)(A)
18 of this regulation.

19 (c) The prohibitions of Government Code section 87406.3 and this regulation do
20 not apply to any individual who, at the time of the appearance or communication, was a
21 board member, officer, or employee of another local government agency or an employee
22 or representative of a public agency and is appearing or communicating on behalf of that
23 agency.

- 1 NOTE: Authority cited: Section 83112, Government Code.
- 2 Reference: Section 87406.3, Government Code.